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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,294	07/26/2001	Kevin J. Dowling	C1104/7075	8108

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EXAMINER

VO, HUYEN X

ART UNIT PAPER NUMBER

2655

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,294

Applicant(s)

DOWLING ET AL.

Examiner

Huyen X. Vo

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant has submitted an amendment filed 6/13/2005 amending 1 and 2-12, while arguing to traverse prior art rejection based on amended limitations (see claim amendment). Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection necessitated by claim amendment and introduction of new claims in view of Morrison (US 6241362). This action is made final necessitated by claim amendment and introduction of new claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 14-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Matulich et al. (US 6188986).

4. Regarding claim 14, Matulich et al. disclose a lighting system, comprising: a transducer adapted to receive voice signals and produce corresponding electrical signals (see *claim 1*); a computing device coupled to the transducer, the computing

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device adapted to produce addressed control signals in response to the electrical signals (*microcontroller 20 in figure 1*); a plurality of lighting devices each capable of producing light of a plurality of colors and each associated with an addressable processor, each addressable processor configured to control selected ones of the plurality of lighting devices in response to appropriately addressed ones of the addressed control signals (*figure 7A, the system of figure 1 controls a number of devices such as lights and computer. Upon a correct interpretation of the input signal, the microcontroller issues instructions to appropriate registered devices*).

5. Regarding claims 15-28, subject matters claimed in these claims are within the scope of the prior art reference (*See Matulich reference*).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matulich et al. (US 6188986) in view of Morrison (US 6241362).

8. Regarding claim 1, Matulich et al. disclose a color-based lighting system comprising: a transducer to take in voice signals and convert the voice signals into electrical signals (*Microphone 2 in figure 1*); a speech recognizer adapted to interpret the voice signals, and issue appropriate instructions, through a microcontroller, controlling lighting devices (*col. 7, lines 1-50, controlling voltage output to the lighting devices or multicolor LEDs*); and a computing device, coupled to the transducer and the at least one lighting device, to convert the electrical signals into control signals adapted to emission of the first light by the first light source and the second light by the second light source (*col. 7, line 36 to col. 8, line 60 and also referring to figure 1*).

Matulich et al. fail to specifically disclose that at least one lighting device comprising at least a first lighting source adapted to emit light of a first color and a second light source adapted to emit light of a second color, the first color being different than the second color, the at least one light device being configured to combine at least the light of the first color and the light of the second color to produce at least a third color. However, Morrison teaches that multicolor LEDs are capable of producing a different one of the three primary colors (*red, yellow, and blue*) of the visual spectrum by blending the primary colors in appropriate intensities or amount. This is achieved by applying appropriate electrical power to the multicolor LEDs (*col. 7, lines 28-41*).

Since Matulich et al. and Morrison are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Matulich et al. by incorporating the teaching of Morrison

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in order to provide a most pleasing, relaxing, interesting, and entertaining means of displaying translucent articles, candles, statuary, etc. (*col. 12, lines 8-19*).

9. Regarding claim 8, Matulich et al. disclose a method of controlling a lighting device comprising at least a first light source adapted to emit light of a first color and a second light source adapted to emit light of a second color, the first color being different than the second color (multicolor LEDs), the method comprising: receiving a spoken command (*microphone 2 in figure 1 for receiving speech commands*); translating the command into a signal to be used to control the lighting device capable of producing multiple colors (*col. 7, line 36 to col. 8, line 22*); in response to the signal, producing the light of the first color and the light of the second color (*col. 8, lines 12-22, multicolor LEDs are capable of emitting primary colors: red, yellow, and blue*).

Matulich et al. fail to specifically disclose the step of combining the light of the first color and the light of the second color to produce light of a third color. However, Morrison teaches the step of combining the light of the first color and the light of the second color to produce light of a third color (*col. 7, lines 28-41*).

Since Matulich et al. and Morrison are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Matulich et al. by incorporating the teaching of Morrison in order to provide a most pleasing, relaxing, interesting, and entertaining means of displaying translucent articles, candles, statuary, etc. (*col. 12, lines 8-19*).

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10. Regarding claims 2-7 and 10-13, Matulich et al. further disclose that the transducer comprises a microphone, the lighting device includes at least one LED, the lighting device includes at least two LEDS of different colors, a processor to control at least one of the at least two LEDS, the processor further comprises an addressable processor having an alterable address, the lighting device further comprises at least one group of lighting devices (*referring to col. 6-8, these are well known to a person of ordinary skill in the art*), and the syntax corresponds to a natural language (*speech command is a natural language*), and wherein the voice signals each comprise an identification of an object, and a value (*figures 3B-C and 7A-H, words such as "lights", "computer", and "program" indicate object while words such as "ON", "OFF", "Low", and "Medium" indicate values*).

11. Regarding claim 9, Matulich et al. further disclose that the syntax is of the form: <system call><object--value> (*input speech command is interpreted by comparing with the speech template stored in the memory. If a match is found, control signal is generated corresponding to a specific action*).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

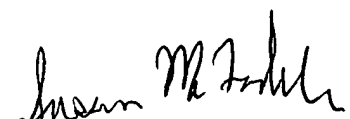
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HXV

8/11/2005


SUSAN MCFADDEN
PRIMARY EXAMINER